

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

<p>ABU KHALID ABDUL-LATIF,)) Petitioner,)) v.)) WARDEN B. BIRKHOLZ,) FCI LOMPOC,¹)) Respondent.))</p> <hr style="border: 0.5px solid black; margin-top: 5px; margin-bottom: 10px;"/>	<p>)))))))))</p> <p style="text-align: right;">Civil Action No. 5:24-cv-224 Judge Bailey</p>
--	--

**RESPONDENT'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, OR IN
THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

Now comes the Respondent, by and through counsel, and files this Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment. Respondent respectfully requests this Court to dismiss Petitioner's pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, or in the alternative, grant summary judgment in Respondent's favor. Respondent's position in support of this Motion is set forth in the accompanying Memorandum and attachments thereto.

WILLIAM IHLENFELD
UNITED STATES ATTORNEY.

By: /s/ Jordan V. Palmer
Assistant United States Attorney
W. Va. Bar # 12899
United States Attorney's Office
P.O. Box 591
1125 Chapline Street, Suite 3000
Wheeling, WV 26003
(304) 234-0100
(304) 234-0110 fax
Jordan.Palmer@usdoj.gov

¹ Petitioner is currently designated to the Federal Correctional Institution Hazelton, in Bruceton Mills, West Virginia ("FCI Hazelton"). See Find an Inmate, available at <https://www.bop.gov/inmateloc/?os=vb.&ref=app> (last visited December 26, 2024). Heather Ray serves as the Warden at FCI Hazelton, and would be the proper Respondent for the present habeas corpus Petition.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

ABU KHALID ABDUL-LATIF,)	
)	
Petitioner,)	
)	Civil Action No. 5:24-cv-224
v.)	Judge Bailey
)	
WARDEN B. BIRKHOLZ,)	
FCI LOMPOC,)	
)	
Respondent.)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of **RESPONDENT'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT** was electronically filed with the Clerk of the Court by using the CM/ECF system on the 7th day of January, 2025, which will provide a copy to all counsel of record. The foregoing document has been furnished for delivery via first-class mail to the following non-CM/ECF participant:

Abu Khalid Abdul-Latif
40739-086
HAZELTON FCI
Inmate Mail
P O BOX 5000
BRUCETON MILLS, WV 26525

**WILLIAM IHLENFELD
UNITED STATES ATTORNEY.**

By: /s/ Jordan V. Palmer
Assistant United States Attorney
W. Va. Bar # 12899
United States Attorney's Office